

BINGHAM MCCUTCHEN

RECEIVED
CENTRAL FAX CENTER

MAY 18 2004

Facsimile

DATE May 14, 2004

	NAME	FAX	PHONE
TO	Group Art Unit 1624	(703) 872-9306	
	Attn: Examiner Mark L. Berch		
	U.S. PTO		

OFFICIAL

FROM	Antoinette F. Konski	(650) 849-4800	(650) 849-4950
	Antoinette.konski@bingham.com		

PAGES (INCLUDING THIS COVER PAGE) 13

RE Application Serial No. 09/847,525

Bingham McCutchen LLP
1900 University Avenue
East Palo Alto, CA
94303-2223

650.849.4400
650.849.4800 fax

bingham.com

Boston
Hartford
London
Los Angeles
New York
San Francisco
Silicon Valley
Singapore
Walnut Creek
Washington

Message:

This facsimile consists of the following:

Fax Cover Sheet (1 pg);
Transmittal Form (1 pg);
Fee Transmittal in duplicate for fee processing (2 pgs);
Extension of Time (Two Months) (1 pg) and
Response to Communication (10 pgs)

*For transmission problems, please call (650) 849-4825***Caution – Confidential**

The information in this fax is confidential and may also be privileged attorney-client information and attorney work product. It is intended only for the recipient(s) named above. If you aren't a named recipient or his/her authorized representative, any reading, use, copying or disclosure of this fax is strictly prohibited. If you aren't a named recipient, please call the above number (collect) now and return this fax to us by mail at the above address. Thank you.

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0661-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/847,525	
	Filing Date	May 1, 2001	
	First Named Inventor	Ming Fai chan	
	Art Unit	1624	
	Examiner Name	Mark L. Berch	
Total Number of Pages in This Submission	15	Attorney Docket Number	NB 2016.00

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bingham McCutchen LLP Antoinette F. Konoski
Signature	<i>Antoinette F. Konoski</i>
Date	May 14, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being transmitted via facsimile to: Attn: Art Unit Group 1624 (703) 872-9306 Attn. Examiner Mark L. Berch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Peggy Nichols	Date	May 14, 2004
Signature	<i>Peggy Nichols</i>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0691-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 210

Complete if Known

Application Number	09/847,525
Filing Date	May 1, 2001
First Named Inventor	Ming Fai Chan
Examiner Name	Mark L. Berch
Art Unit	1624
Attorney Docket No.	NB 2016.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order
☒ Deposit Account:Deposit
Account
Number

50-2518

Deposit
Account
Name

Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims	20	0	X	0	X	0	
Multiple Dependent Claims	3	0	X	0	X	0	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claims, if not paid	
1204	86	2204	43	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$0)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	2812	2,520	For filing a request for reexamination	
1804	920*	2804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	210
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	185	Notice of Appeal	
1402	330	2402	185	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	2807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	2806	180	Submission of Information Disclosure Stmt	
8021	40	28021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	2802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$210)

SUBMITTED BY

Name (Print/Type)	Antipelle, Ronald	Registration No. (Attorney Only)	34,202	Telephone	(850) 849-4950
Signature			Date	May 14, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-738-9199) and select option 2.

PATENT
Docket No. NB 2016.00Certificate of Transmission
CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office,
(703) 872-9306 to the attention of: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 14, 2004

Name of Person Certifying: Peggy Nichols

Printed Name: Peggy Nichols

RECEIVED
CENTRAL FAX CENTER

MAY 18 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ming Fai Chan, et al.

Serial No.: 09/847,525

Filed: May 1, 2001

For: BETA-LACTAM ANTIBIOTICS

Group Art Unit: 1624

Examiner: Berch, Mark L.

RESPONSE TO COMMUNICATION

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Communication issued by the U.S. Patent and Trademark Office on February 26, 2004 in connection with the above-identified application. A response to the February 26, 2004 Communication originally was due March 26, 2004. Enclosed herewith is a Petition for A Two Month Extension of Time and authorization to charge the amount of the fee due to the undersigned's Deposit Account. In view of the filing of this Petition and Payment of the Fee, a response is now due May 26, 2004. Accordingly, this response is timely filed.

The Amendments begin on page 2 of this Reply.

The Remarks begin on page 10 of this Reply.

PA:52134037.1/2023886-7008382001